


FORM OF ORDER SHEET

Court of _____

Appeal No. 1440/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11-Sep-24	<p>The appeal of Mr. Abdus Samad today by Mr. Kabir Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 24-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Service Appeal No 1440 /2024

Mr Abdus Samad

VERSUS

The Director Elementary & Secondary Education KPK Peshawar &
others

**APPLICATION FOR FIXATION THE ABOVE TITLED
SERVICE APPEAL BEFORE THE PRINCIPAL BENCH
PESHAWAR INSTEAD OF CAMP COURT BANNU.**

Respectfully Sheweth:

1. That Applicant is going to filed the above titled appeal before this Hon' able Service Tribunal in which no date yet has been fixed.
2. That the respondent No 1 as well as counsel of the applicant belongs to district Peshawar.
3. That there is no legal bar for acceptance of the instant application.

It is therefore most humbly prayed that on acceptance of this application the above titled appeal case may kindly be early fixed before the principal Bench Peshawar instead of camp Court Bannu.

Dated 10/09/2024

Applicant/Appellant

Through



Roeda Khan
Advocate High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Appeal No. 1440 of 2024

Abdus Samad S/o Abdus Salam Certified Teacher Government
High School Dilawar Khan Baka Khel S.D.W Bannu.

..... Appellant

VERSUS

1. The Director Elementary & Secondary Education KPK
Peshawar.

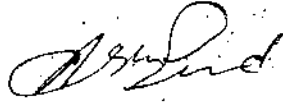
2. The District Education Officer Malè Bannu.

..... Respondents

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Dated 10/09/2024


Appellant

Through


Kabir Ullah Khattak

Advocate, High Court,
Peshawar

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Appeal No. 1440 of 2024

Abdus Samad S/o Abdus Salam Certified Teacher
Government High School Dilawar Khan Baka Khel S.DW
Bannu.

..... Appellant.

VERSUS

1. The Director Elementary & Secondary Education KPK
Peshawar.
2. The District Education Officer Male Bannu.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KPK
SERVICE TRIBUNAL ACT, 1974, AGAINST
THE INACTION OF THE RESPONDENTS BY
NOT GRANTING ONE INNUAL INCREMENTS
OF THE YEAR OF 2015 AS WELL AS NOT
GRANTING BACK BENEFITS AND ARREARS
W.E.F 11.05.2015 TO 17.08.2015 AND AGAINST
THE INACATION OF THE RESPONDENT NO
1 BY NOT DECIDING THE DEPARTMENTAL
APPEAL DATED 04.09.2023 OF THE
APPELLANT WITHIN THE STATUTORY OF
NINETY DAYS.**

Prayer:

On acceptance of this service appeal the
appellant may kindly be treated according to law
and rules by granting annual increment for the
year 2015 to the appellant along with all back
benefits / arrears w.e.f 11.05.2015 to 17.08.2015
which has already been granted in favor of other
colleague of the appellant through vide order

②

Endorse No. 1170-78 dated 11.05.2015 along with all back benefits.

Any other remedy which this august tribunal deems fit that may also be awarded in favor of the appellant.

Respectfully Sheweth:

FACTS

The appellant respectfully submits as under:

- 1) That an advertisement was announced by the Respondent No 2 in Daily Mashriq for different teaching cadres, in F.R Bannu on 20.11.2012. (Copy of Advertisement is attached as Annexure-A).
- 2) That the appellant along with other colleagues were applied for Certified Teacher, test and interview was conducted on 26.12.2012 and merit list was prepared on the same day i.e 26.12.2012. (Copy of Merit list is attached as Annexure-B).
- 3) That in the meanwhile the same merit list was challenged by some others in Writ petition No. 32-B/2013 before the Hon' able Peshawar High Court Bannu bench whereby status quo was granted by the Hon' able court, and the appointment process of the appellant along with other colleagues was kept pending, later on the said writ petition was dismissed by the Hon' able

Peshawar High Court Bannu Bench. (Copy of court order is attached as Annexure-C).

- 4) That after rejection of the above mention writ petition the appellant once again approach to respondent for his appointment but they using delaying in tactics and after some time the Federal Government imposed ban on all types of appointment and the matter lingered up to 2015. (Copy of ban notification is attached as Annexure-D).
- 5) That one of other colleague namely Raza Ali mention at Serial No 3 on the merit list of 2012 was appointed on 11.05.2015 against C.T post vide appointment order No. 1170-78 dated 11.05.2015 while the appellant who was also eligible and qualified was not extended the same benefit without any legal justification. (Copy of appointment order of Mr Raza Ali is attached as Annexure-E).
- 6) That later on the appellant was appointed 17.08.2015 vide appointment order No. 1987-95 dated 17.08.2015 after three months of the appointment of the above mentioned Raza Ali, this delay in appointment resulted in the unjust deprivation the appellant from one annual increment as well as from back benefits and arrears w.e.f 11.05.2015 to 17.08.2015. (Copy of the appointment order of the appellant is attached as Annexure-F).

- 4
- 7) That the appellant submitted an application to respondent No. 2 for granting seniority w.e.f 11.05.2023 which was accepted in response of which the enquiry was conducted and in the light of the recommendation of the enquiry committee the appellant is held entitled for seniority w.e.f 11.05.2015 vide order endorse No. 7178-82 dated 03.06.2023. It is pertains to mention here that according to the said order dated 03.06.2023 the respondent No 2 held entitled the appellant is a part of regular appointment issued under order No 1170-78 Estab/2015 dated 11.05.2015 of the same advertisement 20.11.2012. (Copy of inquiry report and order dated 03.06.2023 are attached as Annexure-G & H).
- 8) That the appellant submitted Departmental appeal on 04.09.2023 for annual increment as well as for back benefits / arrears which was not decided within the statutory period ninety days. (Copy of Departmental appeal is attached as Annexure-I).
- 9) That feeling aggrieved the appellant prepares the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds.

GROUND

A. That the inaction of the respondents by not granting one annual increment for the year of 2015 as well as by not granting back

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benefits w.e.f 11.05.2015 is against the law facts norms of justice.

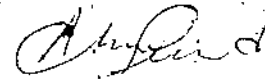
- B. That the action of the respondents is discriminatory in nature as such according to Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973 every person is equal in the eyes of law as such the appellant is also entitled for similar nature treatment which was granted to the above mentioned other colleague, of the appellant.
- C. That the treatment meted out to the appellant is a clear violation of a fundamental rights of the appellant.
- D. That the action of not granting back benefits w.e.f 11.05.2015 whereby his other colleagues was appointed being in merit with appellant of the same advertisement is against the norms of justice.
- E. That it is the spirit of law and Constitution of Islamic Republic of Pakistan 1973 all citizens must be treated equally.
- F. That the appellant seeks permission to advance any other grounds at the time of regular hearing.

(6)

It is therefore most humbly prayed that on acceptance of this service appeal the appellant may kindly be treated according to law and rules by granting annual increment for the year 2015 to the appellant along with all back benefits / arrears w.e.f 11.05.2015 to 17.08.2015 which has already been granted in favor of other colleague of the appellant through vide order Endorse No. 1170-78 dated 11.05.2015 along with all back benefits.

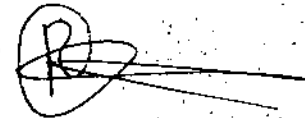
Any other remedy which this august tribunal deems fit that may also onward granted in favor of appellant.

Dated 10/09/2024



Appellant

Through



Roeda Khan
Advocate, High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. _____ of 2024

Abdus Samad S/o Abdus Salam Certified Teacher
Government High School Dilawar Khan Baka Khel S.DW
Bannu:

..... Appellant

VERSUS

- 1. The Director Elementary & Secondary Education KPK Peshawar.
- 2. The District Education Officer Male Bannu.

..... Respondents

APPLICATION FOR CONDONATION OF DELAY (IF ANY).

Respectfully Sheweth:

- 1) That the petitioner/appellant has filed the accompanied appeal today in which no date has yet been fixed.
- 2) That petitioner/appellant has a good prima facie case and is hopeful for its success and the grounds mentioned in appeal may be treated as integral part of this application.
- 3) That the dispute of the appellant is come under the definition of financial matter against which no limitation run as per Judgment of superior court.
- 4) That there are many Judgment of the Supreme Court that cases should be decided on merit rather than on technicality.

5) That any other grounds will be raised at the time of arguments with the prior permission of this Hon' able Court.

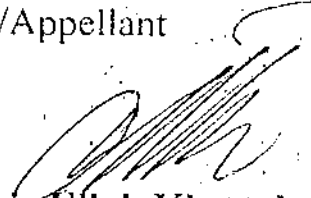
It is, therefore, most humbly prayed that on acceptance of this application the delay if any may be condoned in the interest of justice.

Dated 10/09/2024

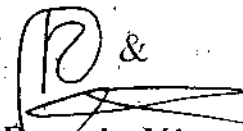


Petitioner /Appellant

Through



Kabir Ullah Khattak



Rubeeda Khan

Advocate, High Court

Peshawar

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Appeal No. _____ of 2024

Abdus Samad S/o Abdus Salam Certified Teacher Government
High School Dilawar Khan Baka Khel S.D.W Bannu.

..... Appellant

VERSUS

1. The Director Elementary & Secondary Education KPK
Peshawar.
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..... Respondents

ADDRESSES OF THE PARTIES


Appellant

Abdus Samad S/o Abdus Salam Certified Teacher Government
High School Dilawar Khan Baka Khel S.DW Bannu.

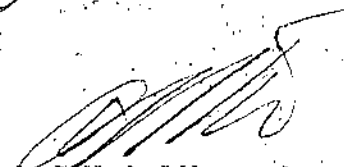
Respondents

1. The Director Elementary & Secondary Education KPK
Peshawar.
2. The District Education Officer Male Bannu.

Dated 10/09/2024


Appellant

Through


Kabir Ullah Khattak

&

Roeda Khan

Advocates, High Court,
Peshawar.

(10)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Appeal No. _____ of 2024

Abdus Samad S/o Abdus Salam Certified Teacher Government
High School Dilawar Khan Baka Khel S.DW Bannu.

..... Appellant

VERSUS

1. The Director Elementary & Secondary Education KPK
Peshawar.

2. The District Education Officer Male Bannu.

..... Respondents

AFFIDAVIT

I, Abdus Samad S/o Abdus Salam Certified Teacher Government
High School Dilawar Khan Baka Khel S.DW Bannu do hereby
solemnly affirm and declare on oath that the content of the above
application are true and correct to the best of my knowledge and
belief and nothing has been kept secret and concealed from this
Hon'ble Tribunal.


DEPONENT

"B" (12)

OFFICE OF THE AGENCY EDUCATION OFFICER FR BANNU AT BANNU

Tentative Merit List of CT (Male) Local candidates of Uthmanzai Area FR Bannu (75% basis).
Interview held on dated: 26/12/2012

Sl. No.	Intervi. Sr.	Name	Father's name	Domicile	Domicile Tribe	D.O birth	SSC Score (20)			HSSC Score (20)			BA/BSc Score (20)			CT/DIE Cert. Score (20)			BA/MSc/M. Ed. MA Edu. Score (15)			M. Phil/PhD Marks (5)	In case of Science Group 3 Extra Marks for F.Sc./B.Sc. (5 each)		Total Score	Remarks
							Marks Out	Total Marks	Score	Marks Out	Total Marks	Score	Marks Out	Total Marks	Score	Marks Out	Total Marks	Score	Marks Out	Total Marks	Score		Marks Out	Total Marks		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
1	13	Alam Zeb Khan	Sheraz Khan	FR Bannu	Uthmanzai	01/04/1990	779	1050	14.84	727	1100	13.22	335	550	14.00	577	500	12.82	35	4	13.13		MSc	15	63.01	
2	132	Muhammad Ismail	Muhammad Zaman	FR Bannu	Uthmanzai	04/02/1977	562	850	13.22	666	1100	12.65	340	550	12.36	472	900	10.49	1272	2400	7.95	5	MSc	15	76.67	Community Service
3	140	Raz Ali Khan	Gul Raip Khan	FR Bannu	Uthmanzai	11/05/1992	535	850	12.61	706	1100	12.87	311	550	11.31	751	1200	12.52	1548	2500	9.29		MSc	15	73.60	
4	58	Muhammad Zahir Sheh	Noor Khan	FR Bannu	Uthmanzai	15/09/1992	563	850	13.25	548	1100	9.95	291	550	10.55	759	1200	12.63	629	1200	7.85		MSc	15	59.28	In-service
5	104	Hakim Ullah	Manda	FR Bannu	Uthmanzai	12/12/1991	543	900	14.29	752	1100	13.67	501	750	16.03	576	500	12.84					BSc	10	66.83	
6	100	Asmatullah	Mir Zakam Khan	FR Bannu	Uthmanzai	25/02/1955	596	850	13.79	572	1100	10.40	294	550	10.65	644	1200	14.07	1188	1850	9.63		FSc	5	63.58	
7	207	Arshad Ali	Muhammad Abbas Ali	FR Bannu	Uthmanzai	05/09/1990	751	1050	14.30	702	1100	12.76	276	550	10.00	1195	1500	15.93					BSc	10	62.99	
8	8	Abdus Samad	Abdus Salam	FR Bannu	Uthmanzai	01/01/1992	568	980	13.07	709	1100	12.89	373	550	13.56	595	900	13.22					BSc	10	62.74	
9	150	Inam Ullah Khan	Hukam Jan	FR Bannu	Uthmanzai	03/07/1990	544	850	12.80	545	1100	9.98	282	550	10.25	826	1200	13.77	552	1700	8.40		FSc	5	60.20	
10	149	Kalimullah Khan	Muhammad Amin Khan	FR Bannu	Uthmanzai	05/04/1997	561	850	13.20	610	1100	11.09	343	550	12.47	550	900	12.22					BSc	10	58.98	In-service
11	235	Khalid Khan	Noor Zaman Khan	FR Bannu	Uthmanzai	05/01/1993	626	850	12.35	650	1100	11.82	302	550	10.98	662	900	13.20	1474	2100	10.53				58.88	
12	31	Faridullah	Muhammad Shar Khan	FR Bannu	Uthmanzai	11/04/1935	529	850	12.45	675	1100	12.27	276	550	10.04	619	900	13.76					BSc	10	58.52	
13	137	Qudrat Ullah	Shah Adem Khan	FR Bannu	Uthmanzai	04/01/1997	453	650	10.66	734	1100	13.36	303	550	11.24	629	900	13.56	674	1100	5.19				56.42	
14	159	Muhammad Jahangir Khan	Atta Muhammad Khan	FR Bannu	Uthmanzai	03/03/1971	572	850	13.46	542	1100	9.85	255	550	9.27	514	900	11.42	653	1100	8.90		FSc	5	57.90	In-service

(13)

Sl. No.	Serial No.	Name	Father's name	District	Domestic & tribal	D.O. Birth	SSC Score (20)			HSSC Score (20)			BA/BSC Score (20)			CT/DIE Cert. Score (20)			M.A./M.Sc. Edu. Score (15)			M.Phil/Ph.D. Marks (5)	In case of Science Group 1 Extra Marks for Postgraduate work		Total Score	Remarks						
							Mks. Out	Tot. Mks.	Score	Mks. Out	Tot. Mks.	Score	Mks. Out	Tot. Mks.	Score	Mks. Out	Tot. Mks.	Score	Mks. Out	Tot. Mks.	Score		Mks. Out	Tot. Mks.			Score	21	22	23	24	25
13	16	Zeeshan Ahmad	Azmat Ullah Khan	FR Bannu	Ahmadzai	01/01/1986	471	850	11.08	509	1100	10.35	344	550	12.51	539	900	11.98	1205	2050	9.25	5	MSc	10	75.12							
14	191	Masfiah	Jal Shud-Din	FR Bannu	Ahmadzai	01/03/1985	575	850	13.52	770	1100	12.50	763	550	9.50	801	900	13.36	1382	2100	9.97		MSc	10	71.50							
15	105	Hamid Ullah Khan	Gul Aslam Khan	FR Bannu	Ahmadzai	01/05/1974	647	850	15.22	671	1100	12.50	343	550	12.47	615	1200	10.25	1406	2400	10.79		MSc	10	73.50	in-service						
16	210	Kranat Ullah	Sher Dama Khan	FR Bannu	Ahmadzai	15/02/1980	582	850	13.69	594	1100	10.36	374	550	13.80	549	900	11.53	710	1200	8.28		MSc	15	73.50							
17	273	Azad Ullah	Wreham Dad	FR Bannu	Ahmadzai	21/04/1985	586	850	13.79	703	1100	12.89	404	550	14.69	780	1200	13.00	853	1200	10.56		FSc	5	70.03							
18	115	Amir Hamzah	Balbar Khan	FR Bannu	Ahmadzai	14/04/1985	582	850	13.22	556	1100	10.11	330	550	12.00	585	900	13.00	1769	2400	11.01		BSc	10	59.37							
19	168	Jamshid Khan	Sar-Anjam Khan	FR Bannu	Ahmadzai	17/03/1983	491	850	11.55	635	1100	11.33	346	550	12.50	577	900	12.82	732	1200	9.15		BSc	10	55.55							
20	183	Kranat Ullah Khan	Banoor Gul	FR Bannu	Ahmadzai	04/01/1976	474	850	11.15	541	1100	9.51	294	550	10.55	545	900	12.11	1120	1900	9.51		MSc	15	57.56	in-service						

Sattar Khan
 AEO (1155/11-22)
 AEO office FR Bannu
 (Member Secretary)

[Signature]
 Principal,
 GHSS Haddi Badin Khel FR Bannu
 (Member)

[Signature]
 Representative
 Directorate "Edu" (FATA), Peshawar
 (Member)

[Signature]
 Representative
 DCC/Police Agent FR Bannu
 (Member)

[Signature]
 AAO (1155/11-22)
 AEO office FR Bannu
 (Member Secretary)

[Signature]
 Principal,
 GHSS Haddi Badin Khel FR Bannu
 (Member)

Agency Education Officer,
 FR Bannu (Chairman)

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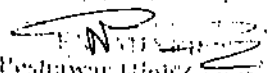
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IN THE PESHAWAR HIGH COURT, BANNU BENCH

Writ Petition No. 32-B of 2013

1. ^{Amir} Attaulah Khan s/o Mir Azad Khan
R/O: Saifal Khel, F.R. Bannu
2. Tahir Azani Khan s/o Muhammad Azem Khan
R/O: Adam Kala, F.R. Bannu
3. Laiq Zaman s/o Raufullah Khan
R/O: Agra Kala, F.R. Bannu
4. Zer Amanullah s/o Mir Banuth Khan
R/O: Adam Kala, F.R. Bannu
5. Barkatullah s/o Khushmir Jan
R/O: Madhi Khel, F.R. Bannu
6. Muhammad Noor s/o Janan Khan
R/O: Dhandi Kala, F.R. Bannu
7. Abdul Saood s/o Noor Ali Khan
R/O: Adam Kala, F.R. Bannu
8. Quadratullah s/o Latifullah
R/O: Saifal Khel, F.R. Bannu
9. Muhammad Ashraf s/o Muhammad Ayaz Khan
R/O: Auodin Kafa, F.R. Bannu
10. Arshad Ali s/o Khan Wali Khan
R/O: Saifal Khel, F.R. Bannu
11. Azimullah s/o Raees Khan
R/O: Topan Kala, F.R. Bannu
12. Qayyum Asif s/o Aziz Khan
R/O: Chatta Khel, F.R. Bannu
13. Manzoorullah s/o Mir Haider
R/O: Auodin Kala, F.R. Bannu
14. Mufti Saeedullah s/o Shah Naraz
R/O: Mama Khel Lapri Kala, F.R. Bannu
15. Asif Khan s/o Ismail Khan
R/O: Haji Gulan Kala, F.R. Bannu
16. Gohar Rehman s/o Mir Qad Ayaz
R/O: Mawazi Kala, F.R. Bannu

ATTESTED


Peshawar High Court,
Bannu Bench

PETITIONERS

VERSUS

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gistray

- 15
- 2
- 2
1. The Agency Education Officer
F.R. Bannu, Taziri Chowk,
Kohat Road, Bannu
 2. The Director Education (FATA),
FATA Secretariat, Peshawar
 3. APA, F.R. Bannu
 4. The Additional Chief Secretary (FATA)
Govt of K.P.K., FATA Secretariat,
Peshawar

RESPONDENTS

5) *Implementation of...*

**WRIT PETITION UNDER ARTICLE: 199(1)(a)&(c) OF
THE CONSTITUTION OF PAKISTAN-1973**

Being aggrieved by and dissatisfied with the discriminatory and illegal sub-division of F.R. Bannu for the purpose of appointment of School Teachers in the Frontier Region Bannu otherwise than in accordance with law by the Respondent No. 1, the Petitioners abovenamed prefers this writ petition for the enforcement of their inalienable constitutional and fundamental rights, inter alia, on the following facts and grounds:-

FACTS

1. That, the Competent Authority i.e. the Governor NWFP (now KPK) has in exercise of his powers conferred on him under Article: 241 of the Constitution of Pakistan-1973 has for the purpose of initial recruitment to any service of the province, divided the entire province and the adjoining Frontier Regions/Tribal Agencies into five (05) Zones for ensuring proper representation of the peoples of each and every part of the province and its adjoining Frontier Regions/Tribal Agencies, vide Appendix to the then Govt of NWFP (Now KPK) S&GAD Notification No. SOS.III(S&GAD)/3-39/70 dated 02-10-1973, according to which all the adjoining Tribal Agencies as well as Frontier Regions have been compacted into only one zone i.e. Zone No.1. It is pertinent to mention that this Notification is existing in force as it has been given effect through Rule: 12 of the NWFP Civil Servants (Appointments, Promotion and Transfer) Rules-1989 and Regulation: 3(a), and Part-XI of the NWFP Public Service Commission Regulations-2003.

Copy of the Notification is herewith filed marked as Annex "A"

Filed by
2-1-17

contd - P/3 R

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2. That, the Respondent No. 1 has invited applications for appointment to various vacant post of teaching staff in the Schools of F.R. Bannu through his advertisement published in the Daily MASHRIQ (Peshawar) dated 23-10-2012 and the Petitioners above named feeling themselves fully qualified for appointment against the advertised vacant posts have applied to the Respondent No.1, through the prescribed application formatted by the Respondent No. 1, in which item No.4 has been bifurcated for indicating (a) Name of the Agency/F.R. of Domicile and (b) Name of the Sub-Tehsil of the Agency/F.R.

Copies of the advertisement and the format of the prescribed application form for the teaching posts are filed herewith and marked as Annex "B/1&2", respectively.

3. That it is reliably learnt that the Respondent No.1 has introduced name of the Sub-Tehsil in the application form with a view to facilitate favouritism/nepotism and appoint those candidates whose merit is low but who are ready to please the incumbent of the office of the Respondent No.1 and thus sabotage the merit and may discriminate candidates with higher merits in the garb of technicality unless and otherwise all the low and high merit candidates belong to one and the same Frontier Region, which is being administered through one and the same APA i.e. the Respondent No.3. Therefore, with a view to block the ways of inter-play of technicalities by the Respondent No.1, the elders and Teachers Association of F.R. Bannu requested the Respondents No. 1,2,3 and other administrative authorities of F.R. Bannu; vide their applications (1) dated 26-10-2012 and (2) dated 20-11-2012; for preparation of one joint merit list of the entire F.R. Bannu in accordance with law and to make appointments to the vacant posts accordingly but the authorities have paid no heed to their request.

Copies of the Elders and Teacher Association's applications (1) dated 26-10-2012 and (2) dated 20-11-2012 are filed herewith and marked as Annex "C/1&2", respectively.

5. That in the above circumstances, the Petitioners see no remedy except to beseech before this Hon'ble High Court by way of the instant Writ Petition under Article: 199(1)(a)&(c) of the Constitution of Pakistan-1973, for the enforcement of their inalienable constitutional and fundamental rights conferred on them under Articles: 4, 25 & 27 of the Constitution of Pakistan-1973, amongst others, on the following grounds:

GROUND

(A) That, the Petitioners have no other alternate and efficacious remedy for the enforcement of their inalienable constitutional and fundamental rights, except through this Petition.

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(B). That although Rule: 12(2) of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules-1989 requires that initial recruitment in Basic Pay Scales No. 3 to 15 borne on district cadre shall be made from amongst bonafide residents of the district concerned and does not allow further bifurcation of the District cadre into Tehsil or Sub-Tehsil basis as yet the Respondents are stubborn to bifurcate the District/Agency/F.R. cadre into Tehsil or Sub-Tehsil basis, which is ultra virus, null and void ab-initio, more particularly when it gives way to favouritism/nepotism and parochial, racial, tribal and sectarian prejudices which is strictly prohibited under Article: 34 of the Constitution of Pakistan-1973. As such the Petitioners are being treated otherwise than in accordance with the law/rules existing in force. Therefore, the instant Petition is lawfully maintainable.

(C). That such bifurcation does not exist in any other Agency or Frontier Region, therefore, the Petitioners are right to claim that they have been discriminated against in violation of Articles: 25&27 of the Constitution of Pakistan-1973. As such the instant Writ Petition is lawfully maintainable, under Article: 199 of the constitution of Pakistan-1973.

(D). That the Petitioners are sure to the effect that in case joint merit list is prepared on the basis of the Agency/F.R. then because of their higher merit they will surely succeed in proving their worthiness for appointment on merit but because of the parochial tendency for making the merit list on basis of Tehsil/Sub-Tehsil then they may be looser and will be discriminated against despite their higher academic merit as compared to that of candidates belonging to Bakka Khel or Jani Khel etc Sub-Tehsils. Therefore, this Petition is lawfully maintainable.

(E) That, Advocate for the Petitioner craves leave of this Hon'ble High Court to urge more grounds at the time of hearing of this Petition.

PRAYERS

G. In view of the above humble submissions, it is earnestly prayed that this Hon'ble High Court may graciously be pleased to:-

(a): Declare that the Respondent No.1 has illegally and unwarrantedly prepared the separate Tehsil/Sub-Tehsil wise merit lists which tend to

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(b) Issue a writ of mandamus to the Respondents in general and to the Respondent No.1 in particular to prepare one joint seniority list on the basis entire F.R. Bannu and make appointment to the vacant posts accordingly.

(c) That as an INTERIM RELIEF, this Hon'ble Court may graciously be pleased to restrain the Respondent No.1 from making appointments against the separate Tehsil/Sub-Tehsil wise merits lists till disposal of the instant petition unless and otherwise the Petitioners shall fall prey to multiple litigation with the prospective employees also.

(d) Any other relief which this Hon'ble High Court may deem fit and necessary in circumstances of the case.

Prayed accordingly in the interest of justice.

Attorné
PETITIONERS

Through:-

Bannu
Dated:- 23-1-2013

(Signature)
(SHER MUHAMMAD KHAN)
Advocate High Court, at Bannu
I.D. No. BC-09-2433

LAW BOOKS

1. The Constitution of Pakistan-1973.
2. The NWFP Civil Servants (A,P&T) Rules-1989.
3. The NWFP PUBLIC Service Commission Regulations-2003.
4. The President's Order No. 13 of 1972 namely "the Centrally Administered Tribal Areas (Employee's Status) Order-1972"

CERTIFICATE

It is certified that no such like Writ Petition has earlier been filed in this Hon'ble Court as per information furnished to me by the Petitioners.

(Signature)
Advocate for the Petitioner

ATTESTED

(Signature)
Petitioner

Today

(Signature)
District Registrar

23-1-12

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FOR IMMEDIATE USE **ON BEHALF OF THE PETITIONER**
IN THE PESHAWAR HIGH COURT BANNU BENCH

Writ Petition No. 32-B of 2013

Attallah & Others ----- PETITIONERS

VERSUS

The Govt of KPK., through
The AEO, F.R. Bannu & Others ----- RESPONDENTS

AFFIDAVIT

I, Attallah s/o Amir Azad Khan, Muslim, Adult, R/O: Bannu and the
Petitioner No. 1 above named, do hereby solemnly affirm and declare on
oath that the contents of the accompanying Writ Petition are true and
correct to the best of my knowledge and belief and that nothing has been
concealed from this Hon'ble Court.

Attallah

DEPONENT

Attallah s/o Amir Azad Khan

The Deponent is identified by me.

Sher Muhammad Khan

SHER MUHAMMAD KHAN
Advocate High Court, at Bannu

[Signature]

No. 158

Certified that the above is a true and correct copy of the original
affidavit filed in the case No. 32-B of 2013
in the name of Attallah s/o Amir Azad Khan vs. The Govt of KPK., through The AEO, F.R. Bannu & Others
who is currently pending in the Hon'ble Court.

Filed Today
Additional Registrar
23-1-13

[Signature]

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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, BANNU BENCH.
(Judicial Department)

WP No. 32-B of 2013

JUDGMENT

Date of hearing: 01-10-2013

Appellant-Petitioner Attaullah Khan and others By Shir Mohammad Khan Adv

Respondent Govt. of Punjab By Qudratullah Khan DA
and others By Mohammad Rasheed Khan Wazir Adv

SYED AFSAR SHAH, J:- Through the instant writ petition, the petitioners, Attaullah and fifteen others, have made a prayer for issuance of an appropriate writ, directing the respondent No.1 not to materialize separate merit lists of Tehsil/ Sub-Tehsil, pertaining to FR Bannu, that he be further directed to prepare a joint seniority list on the basis of FR Bannu and thereafter appointments be made on the vacant posts.

2. When put on notice, Agency Education Officer, FR Bannu, herein respondent No.1, filed his comments with rejoinder thereto by the petitioners.

3. We have heard the arguments of learned counsel for the parties and gone through the record appended with

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4. It appears from the record available on file that, as per version of the petitioners, respondent No.1, has introduced the name of the Tehsil/Sub Tehsil in application form, so as to facilitate his blue eyed and by making appointments of those candidates, whose names do not come in the merit. They have further alleged that the bifurcation of Tehsil /Sub Tehsil of FR Bannu do not exist in any other agency; that the so called bifurcation has been introduced by the respondent only to facilitate the blue eyed or for that matter to accommodate those candidate, whose names do not figure in the merit list.

On the other hand as is evident from the record respondent No.1 in his comments has asserted that in a matter like one the jurisdiction of this court is barred under article 247 (7) of the Constitution of Islamic Republic of Pakistan.

There is no two opinion about this fact that the matter pertains to FR Bannu which comes under FATA and in which respect Article 247(7) of the Constitution of Islamic Republic of Pakistan can well be referred.

9/1
"Neither the Supreme Court nor a High Court shall exercise any jurisdiction under the Constitution in relation to a Tribal Area, unless the [parliament] Federal Legislature by law otherwise provides"

No other enactment has been brought to our notice extending the jurisdiction of this Court to the area in question. We get support from the case law reported in "Qaum Bangash and others Vs Qaum Turi and others (1991 SCMR 2400), where it has been held that this court has got no jurisdiction to sit in the matter like one, as it relates to FATA. Wisdom may also be drawn from the case laws "Nek. Amal Jan Vs Province of NWFP, through Secretary Health, Peshawar and 1 other (1997 PLC (C.S) 380 Peshawar) and Rasheed Ahmad Khan Vs Tribunal FCR Peshawar through Chairman and 5 others" (2013 PCr.LJ 1071 Peshawar).

In view of above, the petition being not maintainable stands dismissed.

Announced.

Dt:01.10.2013

SDI Justice Rooh-ul-Amin Khan, J

SdI Justice Syed Afsar Shah, J

CERTIFIED TO BE TRUE COPY

Peshawar Bench
 Authority
 For District Judge

Handwritten notes:
 1/10/13
 1/10/13

'D' (23)

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

No.47/93-R.1

Islamabad, the 2nd August, 2013.

OFFICE MEMORANDUM

Subject: BAN ON RECRUITMENT PROCESS IN FEDERAL MINISTRIES/DIVISIONS/
AUTONOMOUS BODIES/CORPORATIONS.

In continuation of this Division's O.M. of even number dated 20-6-2013 on the above subject, it is clarified that recruitment in Constitutional Bodies and against "Assistance Package for families of Government Employees who die in Service" have been exempted from the ban on appointments, due to operational needs and on humanitarian grounds, respectively. The ban on recruitment in other three categories may however continue. If there is a pressing need and justification could be provided, the same will be considered for relaxation through MS Wing of this Division, on case to case basis, with the prior approval of Hon'able Prime Minister.

2. All Ministries/Divisions are requested to bring the above decision to the notice of the departments/organizations under their administrative control for compliance.

Zulfiqar Ali Shah
(Zulfiqar Ali Shah)
Deputy Secretary

All Ministry/Division,
Islamabad/Rawalpindi.

'E' (24)



OFFICE OF THE AGENCY EDUCATION OFFICER
FR Bannu at Bannu

APPOINTMENT ORDER:

Consequent upon the Selection, by Departmental Selection Committee, for recruitment during 2012 and on the Decision of Honourable Peshawar High Court Bannu bench vide Writ Petition No. 70-B/2015 announced on dated: 28/4/2015, the following Male candidate of Uthmanzai area FR Bannu is hereby appointed against the vacant CT post, vacancy verified by concerned AAEO (M/F), in the school of FR Bannu, according to the recruitment policy during 2012 of the Govt: in BPS-9, @ Rs. 6200/-PM plus usual allowances as admissible under the rules in the interest of public service with immediate effect.

Note: Beside other terms and conditions given in this appointment order, this appointment will remain open for any kind of appeal against the appointee, and the appointee will submit an affidavit to the effect, that if Institutions/Madrassas from where he/she/they have been educated and received his/her/their Degrees/Certificates/Sanads; were found bogus OR Declared as Sub standard, by any authorized Committee, Court, OR authority. He/she/they will face cancellation of his/her/their appointment happily and will deposit what has received as Salaries, in Govt: treasury.

Sr	Name of candidate with Score	Father's name	Domicile	Open Merit/ Tehsil-wise	Place of posting.	Remarks	Vacancy Verified by
1	Raz Ali Khan (73.60)	Gul Raip Khan	Uthmanzai FR Bannu	Tehsil-wise	GHS Ghazi Killa FR Bannu	Against vacant CT Post.	Dafter Khan, AAEO

TERMS AND CONDITIONS:

- This appointment has been made purely according to the Government recruitment policy/rules, and is subjected to the terms and conditions framed by the Government time to time. Moreover this/these appointment can be with drawn and is liable to termination with out any notice, if any legal, clerical or other kind of mistake arise their in.
- If he/she/they wishes to resign from service, he/she/they will give one month's prior notice OR one month's full pay will be forfeited in lieu thereof.
- He/She/They will produce his/her/their Health and Age certificate from Medical Superintendent D.H.Q Hospital/Agency Surgeon concerned.
- He/She/They will not be handed over charge if his/her/their age is below OR above the prescribed age limit for new appointees.
- If he/she/they fails to resume charge within 15 days after issuing of this order, his/her/their appointment order/orders will be considered as cancelled.
- His/her/their Domicile/documents/certificates will also be verified from the Quarter's concerned and if found bogus, his/her/their appointment(s) will stand as cancelled.
- The candidate will submit an affidavit to the effect that he/she/they do not posses any kind of service in any Govt:/Semi Govt: Department.
- His/her/their pay will not be drawn till the verification of his/her/their all documents.
- If any technical/legal flaw is pointed out, appointment of the concerned will stand as cancelled.
- Charge reports should be submitted in duplicate to all concerned.

(ZAIT ULLAH KHAN)
Agency Education Officer
FR Bannu at Bannu.

Estab. No. 1170-78 /Estab:/2015. Dated: 11.1.5 /2015.

Copy forwarded for information to the:

- Director of Education (FATA), Peshawar.
- Additional Registrar Peshawar High Court Bannu bench.
- Deputy Commissioner Bannu.
- Assistant Political Agent FR Bannu.
- District Account Officer Bannu at Bannu.
- Principal/Headmaster/Headmistress/Head teacher concerned school(s).
- A.A.E.O (Male/Female) concerned area.
- Accountant local office/Office record.
- Candidate(s) concerned:

Agency Education Officer
FR Bannu at Bannu.

**APPOINTMENT ORDER:**

Consequent upon the Selection, by Departmental Selection Committee, for recruitment during 2012 as well as approval by the Director Education FATA KPK Peshawar vide his No. 7966-67, dated: 6/8/2015, the following Male candidates of Open Merit/Tehsil Merit/Disable of FR Bannu are hereby appointed against the vacant CT posts, in the schools mentioned against each, in BPS-9, @ Rs. 8015-495-22865 plus usual allowances as admissible under the rules in the interest of public service with effect from 01/9/2015.

Note: Beside other terms and conditions given in this appointment order, this appointment will remain open for any kind of appeal against the appointee, and the appointee will submit an affidavit to the effect, that if Institutions/Madrassas from where he/she/they have been educated and received his/her/their Degrees/Certificates/Sanads, were found bogus OR Declared as Sub standard, by any authorized Committee, Court, OR authority. He/she/they will face cancellation of his/her/their appointment happily and will deposit what has received as Salaries, In Govt. treasury.

S#	Name of candidate with Score	Father's name	Domicile of area	Open Merit/ Tehsil-wise/ Disable	Place of posting.	Remarks	Vacancy Verified by
1	Zafid Ullah Khan	Qadir Nawaz Khan	Ahmadzai	Tehsil-wise	GHS Muhammad Khel	Against vacant CT Post.	Rehmatullah, AAEO
2	Sultan Saeed	Zabar Khan	Ahmadzai	-do-	GHS Zarwam	-do-	-do-
3	Abdullah	Ilyas Khan	Ahmadzai	-do-	GHS Muhammad Khel	-do-	-do-
4	Muhammad Zahir Shah	Noor Khan	Uthmanzai	Tehsil-wise	GHS Jani Khel	-do-	Dafter Khan, AAEO
5	Hakimullah	Mandal	Uthmanzai	-do-	GMS Malik Zal	-do-	-do-
6	Asmatullah	Mir Zakar	Uthmanzai	-do-	GHS Ghazi Killa	-do-	-do-
7	Alam Zeb Khan	Sheraz Khan	Uthmanzai	Open Merit	GMS Gul Zali Bakka Khel	-do-	-do-
8	Arshad Ali	Muhammad Abbas Ali	Uthmanzai	Tehsil-wise	GMS Amir Hamza	-do-	-do-
9	Abdus Samad	Abdus Salam	Uthmanzai	-do-	GMS Mumtaz Boji Khel	-do-	-do-
10	Kalimullah Khan	Muhammad Amin Khan	Uthmanzai	-do-	GMS Warika Jani Khel	-do-	-do-
11	Khalid Usman	Amir Sultan	Ahmadzai	Open Merit	GMS Dillawar Khan	-do-	-do-
12	Khalid Khan	Noor Zaman	Uthmanzai	Tehsil-wise	GHS Nawab Narmi Khel	-do-	-do-
13	Faridullah	Muhammad Sher Khan	Uthmanzai	-do-	GMS Daryub Ali Khel	-do-	-do-
14	Muhammad Jehangir Khan	Atta Muhammad Khan	Uthmanzai	-do-	GHS Sarwar Jan Bakka Khel	-do-	-do-
15	Zainullah Khan	Noor Zaeeef Khan	Ahmadzai	Open Merit	GMS Akhya Jan Bakka Khel	-do-	-do-
16	Akbar Zaman	Gul Shehbaz Khan	Uthmanzai	Tehsil-wise	GMS Akhya Jan Bakka Khel	-do-	-do-
17	Alam Noor	Qadir Jan	Uthmanzai	-do-	GMS Khawajadar Khel	-do-	-do-
18	Tilawat Khan	Umar Din	Uthmanzai	-do-	GHS Jani Khel	-do-	-do-

Sl. No.	Name	Father's name	Domicile of area	Open Merit/ Tehsil-wise/ Disable	Place of posting.	Remarks	Vacancy Verified by
	Ullah	Dil Kash Khan	Ahmadzai	Open Merit	GHS Sarwar Jan Bakka Khel.	Against vacant CT Post.	Dafter Khan, AAEO
	Aziz-ur-Rehman	Mir Ahmad Khan	Uthmanzai	Tehsil- wise	GMS Khawajadar Khel	-do-	-do-
21	Naseer Muhammad	Karam All Khan	Uthmanzai	-do-	GHS Saidgi Maney Khan	-do-	-do-
22	Zer Muhammad Khan	Yaqoob Khan	Uthmanzai	-do-	GMS Wali Khan	-do-	-do-
23	Zahid Ullah Khan	Qadir Nawaz Khan	Ahmadzai	Open Merit	GHS Sarwar Jan Bakka Khel	-do-	-do-
24	Aftab Ullah	Amir Payao Khan	Ahmadzai	Disable	GMS Zarin Garang	-do-	Rehmatullah, AAEO

TERMS AND CONDITIONS:

1. These appointments has been made purely according to the Government recruitment policy/rules according 2012, and are subjected to the terms and conditions framed by the Government time to time. Moreover this/these appointment can be with drawn and is liable to termination with out any notice, if any legal, clerical or other kind of mistake arise their in.
2. If he/she/they wishes to resign from service, he/she/they will give one month's prior notice OR one month's full pay will be forfeited in lieu thereof.
3. He/She/They will produce his/her/their Health and Age certificate from Medical Superintendent D.H.O Hospital/Agency Surgeon concerned.
4. He/She/They will not be handed over charge if his/her/their age is below OR above the prescribed age limit for new appointees.
5. If he/she/they fails to resume charge within 15 days after 01/9/2015, his/her/their appointment order/orders will be considered as cancelled.
6. His/her/their Domicile/documents/certificates will also be verified from the Quarter's concerned and if found bogus, his/her/their appointment(s) will stand as cancelled.
7. The candidate will submit an affidavit to the effect that he/she/they do not posses any kind of service in any Govt./Semi Govt: Department/District Nazim/Tehsil Nazim/Councilor OR any elected representation.
8. His/her/their pay will not be drawn till the verification of his/her/their all documents.
9. If any technical/legal flaw is pointed out, appointment of the concerned appointee/appointees will stand as cancelled.
10. Charge reports should be submitted in duplicate to all concerned.

(ZAIT ULLAH KHAN)
Agency Education Officer
FR Bannu at Bannu.

Endst. No. 1987-95 Dated: 17/8/2015.

Copy forwarded for information to the:

1. Director of Education (FATA), Peshawar.
2. Deputy Commissioner Bannu.
3. Assistant Political Agent FR Bannu.
4. District Account Officer Bannu at Bannu.
5. Principal/Headmaster/Headmistress/Head teacher concerned school(s).
6. A.A.E.O (Male/Female) concerned area.
7. Accountant local office/Office record.
8. Candidate(s) concerned.

Agency Education Officer
FR Bannu at Bannu.

Estab./2015 dated 11-05-2015 and left over twenty four(24) candidates including appellant. Later on his appointment order was issued Endstt.No:1987-95 Dated 17-08-2015. Now he (Abdus-Samad) is requesting for his CT seniority w.e.f first appointment order 11-05-2015 instead of 17-08-2015 being a part of 2015

Recommendation:

From the avoidance of record and keeping in view the above facts it is recommended that Para.No:1 to Para. No:3 the appellants are entitled for such seniority on DM/Dari/CT posts as requested by them for the purpose of promotions on DM/Dari/CT post without any financial back benefits. The enquiry report is submitted for further necessary action please.

Assistant District Education
(SEC) Bannu

Deputy District Education
(Male) Bannu

The district Education officer
Male Bannu

Subject: inquiry report regarding D.M/Dari/CT Seniority

MEMO

Reference your notification issued vide Endstt.No1463-65 dated 08-02-2023 on the subject cited above necessarily inquiry report is submitted as under please

The committee in its meeting held on 11-05-2023 checked all the relevant record pertaining to the seniority appeals /cases and unanimously decided the finding and recommendation.

The dealing assistant establishment primary DEO male officer Bannu assisted the committee by providing all relevant record appointment orders and previous inquiry report etc.

Finding and conclusion:

1. The appellant Mr. Abdul Wadood Khan DM GMS Zahir Khan lodged a seniority appeal dated regarding his seniority and further requested that he had applied for the post of DM in the year 2020 through ETEA out of open merit and after clearing all coddle formalities the appointments of the same advertisement vide bearing No.JNF (P) 4824 Dated 20-12-2018 was appointed under Endstt.No.5219-26 dated 21-05-2020 whereas my appointment order was issued under Endstt. No.8013-16 dated 02-07-2020, although he was a part of the same appointment. He is requesting for his seniority w. e.f. 21-05-2020 instead 02-07-2020.

2. One Shahab-Ud-Din Dari GMS Olawar Khan Bakka Khel SDW Bannu Submitted his seniority appeal requesting that he had applied for the post of Dari through ETEA in the year 2020 and after completion of all coddle formalities on 14-05-2020 appointments orders of others candidates were issued vide Endstt.No.51359-68 dated 14-05-2020 whereas, he was dropped due to unknown reasons, later on his appointment order was issued vide Endstt. No. 225-32 dated 16/07/2021(Copy Attached). Therefore, he is requesting that being part of the same appointment, he may be considered for seniority w.e.f 14-05-2020 instead of 16/07/2021 of the same advertisement bearing No.JNF (P)4824 Dated 20-12-2018.

3. One Abdus Samad CT GMS Olawar Khan Bakka Khel SDW Bannu made appeal to the competent authority that he had applied for the post of CT in the year 2012 through open merit and after fulfillment of all coddle formalities, he was reflected on high court order. The competent authority at the time issued the appointment order of the one candidate in respect of Raza Ali of the same advertisement merit list vide No.1170-78

(27) 16/5



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BANNU

0928-660005

emisbannu@yahoo.com



Notification:

In continuation of this office order issued under Endst.No11446-67/PST 2014/Seniority/Estb; Pry: dated 14/09/2022.

The competent authority is please to accept the seniority appeal in respect of the following teachers in the interest of public in the light of inquiry report as per given detail bellow.

S. No	Name of teachers/Designation/Address	Remarks
01	Abdul Wadood S/o Abdus Salam D.M GMS Zahir Khan SDW Bannu	Mr.Abdul -Wadood is appointed under Endstt. No.8013-16 dated02-07-2020(Effected 2020) and He is a part of regular appointments issued under Endstt.No.6219-26 dated.21-05-2020 of the same advertisement vide bearing No.INF(P)4824 Dated.20-12-2018. Therefore his appeal is accepted and he is hereby allowed for the purpose of seniority only in D.M Cadre, W,e,f 21-05-2021 without any back benefits, subject to the fulfillment of all coddle formalities
02	Shahab Ud Din S/o Momin Khan Qari GHS Dilawar Khan Bakka Khel SDW Bannu.	Shahab Ud Din is appointed under Endstt. No:225-32 dated 16/07/2021 Effected 2020) and He is a part of regular appointments issued under Endstt.No.61359-66 dated. 14-05-2020 of the same advertisement vide bearing No.INF(P)4824 Dated.20-12-2018. Therefore his appeal is accepted and he is hereby allowed for the purpose of seniority only in D.M Cadre, W,e,f 14-05-2020 without any back benefits, subject to the fulfillment of all coddle formalities

[Signature]
03/10/22

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03	Abdus Samad CT GHS Dilawar Khan Bakka Khel SDW Bannu	Mr. Abdus Samad S/o Abdus Salam is appointed vide Endstt.No;1987-95 Dated.17-08-2015 (Effectuated 2015) and He is a part of regular appointment issued under No.1170-78 Estab:/2015 dated 11-05-2015 of the same advertisement Dated 20/11/2012. Therefore his appeal is accepted and he is hereby allowed for the purpose of seniority only in C:T Cadre, W,e,f 11-05-2015 without any back benefits, subject to the fulfillment of all coddle formalities
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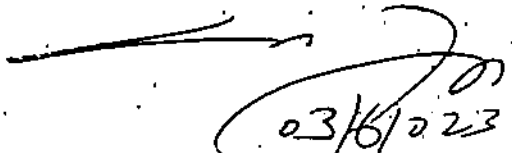
Necessary entry to this effect should be made in their services Book accordingly please

DISTRICT EDUCATION OFFICER
(MALE) BANNU

Endst: No 7178-82 D.M/Qari Seniority Dated 03/06/2023

Copy to information & N/A to the:

- 1- Deputy District Education Officer(M) Bannu.
- 2- Head Master GHS Dilawar Khan SDW Bannu
- 3- Dealing Assistant Seniority at DEO(M) Bannu
- 4- Teacher Concerned
- 5- Master file


03/06/2023
DISTRICT EDUCATION OFFICER
(MALE) BANNU

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04-9-23

To

The Director E&SE,
Khyber Pakhtunkhwa Peshawar.

Director Education
Merged Areas KPK Peshawar

Subject: GRANT OF ONE ANNUAL INCREMENT 2015.

It is sated for your kind information that Brief history of the case Submitted as under:

1. DEO Sub division Wazir Bannu (Ex-FR Bannu) floated an advertisement in daily Mashraq for different Teaching cadres in FR Bannu pn Dated 20/11/2012 (Annexed-A)
2. That on the basis of this advertisement interview of applied candidates was conducted on dated 18/12/2012 In which all the candidates of FR Bannu were interviewed properly.
3. That a merit list was prepared for all the teaching cadres and I was on C.T merit list of the above advertisement. (Copy of merit list is Annexed-B)
4. That due to various reasons the process of recruitment was delayed till 2015.
That a candidate out of 2012 Merit list (CT) filed a writ prtion No.70-B/2015 in PHC Bannu Bench for appointment and as a direction of the hanourable high court, in this case one candidate namely Raza ali, was appointed on 11-5- 2015 against CT post vide appointment order No.1170-78 dated 11-5-2015 of the same merit list.(Copy of Mr.Raza Ali Appointment Order is Annexed-C)
5. That applicant was appointed on 17-8-2015 on CT post vide no.1987-95 Dated 17-08-2015 with the approval of director education FATA vide letter No,7966-67 dated 06/08/2015. (Copy of the appointment order and approval are Annexed-D & E)
6. That the above mentioned candidate, Raza ali s/o GulRaip Khan and Applicant was appointed under the same advertisement and merit list. However, the appointment of applicant was issued three months later from the appoitment of Raza ali.
7. In this regard, I made an appeal to District Education officer(Male) Bannu for seniority and back benefits. subsequently, DEO-Bannu constituted a committee for redressal of my grievances. The inquiry committee heard my appeal and was recommended only for seniority with out backbenifits. (Copy of inquiry Committee is Annexed-F)
8. In the light of inquiry committee and seniority rules 1993 sub rule 2 and E & SED(Appointment and regularization of service act 2018(kp act no 1 of 2018) rule 2; DEO Bannu granted me seniority vide notification No. 7178-82 Dated.03-06-2023 w.e.f 11-5-2015. However, I was denied of back benefits/one annual increment 2015. (Copy of Seniority Notification is Annexed-G)

(32)

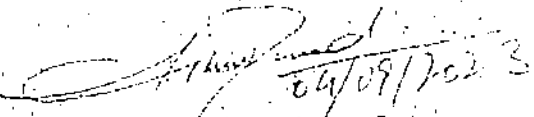
9. Regarding back benefits, there are various decisions by the supreme court and high court in writ petition No: 543-A/2012 titled Babar elahi PTC and others vs Govt of kp, writ petition no: 242-B/2014 titled Farooq khan vs Secretary Education KP, and writ petition no: 62-A/2008 titled Mohammad saeed khan vs Govt of NWFP; in which back benefits had been granted to many candidates of the same nature case. It is also important to mention here that the supreme court has stated time and again through its judgements that any decision by this court should be implemented in favor of all the citizens having same nature case. (Copy of different judgment are Annexed-H)

PRAYER:

Hence, in the light of the above stated facts, it is humbly requested to issue a direction to DEO-Male- Bannu to verify my service book /order since 11-5-2015 along with back benefits/one annual increment(2015).

Copy Forward for Information:

- 1- Secretary Education E&SE Kpk Peshawar.
- 2- Additional Director NMTD Peshawar.
- 3- District Education Officer Male Bannu
- 4- Deputy Commissioner Bannu.


Abdus Samad S/o Abdus Salam
CT.GHS Dilawar Khan Bakka Khel S.D.W Bannu
CNIC= 22201-6366721-1
Mobil.No: 0333-6306414
0322-9067423

Address C/o Abdus Salam House near Darul-Huda Masjid Sukari Fakeer Abad
Bannu

وکالت نامہ

بعدالت جناب سردار محمد اسحاق صاحب

مقدمہ بعنوان

محمد سعید الحقینہ بنام محمد اسحاق صاحب

علت	مخائب اور دعویٰ
موردہ	
جرم	
تھانہ	

باعث تحریر آنکہ

مقدمہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ / جملہ

آن مقام سید علیہ السلام لکھنؤ ایڈووکیٹس

کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جواب دینے جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

[Handwritten signature]

مقام سید علیہ السلام کے لئے منظور سے

دستخط ایڈووکیٹس

Accepted By

[Handwritten signature]

[Handwritten signature]